

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 13192 of 1994****For Approval and Signature:****HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
of law as to the interpretation of the

4 constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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DURGA OIL MILLS - Petitioner(s)
Versus
HIMMATNAGAR MUNICIPALITY & 1 & 1 - Respondent(s)

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Appearance :

MR TUSHAR MEHTA for Petitioner(s) : 1 - 2.
MR VIJAY H PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**Date : 22/12/2005****ORAL JUDGMENT**

Learned advocate Shri Tushar Mehta for the petitioners points out that the controversy involved in the present was with respect to respondent No.1 Municipality charging octroi from the petitioners. He

further submits that no stay order was granted against collection of octroi by this Court while admitting this petition. Subsequently, octroi was abolished with effect from 2001. In the meantime, whatever octroi the petitioner had paid to the Municipality, the burden thereof in turn was passed on to the consumers. On the principle of unjust enrichment, since in any case the petitioners would not be able to insist that the octroi paid by the petitioners be refunded to them even if the petitioners succeed on merits, the issues have become one of academic interest. This petition is, therefore, disposed of as having become infructuous. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)